

**REMARKS**

The Office Action of April 7, 2004, has been carefully considered. Claims 1-39 are pending in the application. Claim 1 was rejected under 35 U.S.C. §112, second paragraph. Claims 1-5, 7, 15, and 17-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,563,522 to Rosen et al. (hereinafter referred to as the Rosen reference). Claims 8-12, 14, and 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Rosen reference in view of U.S. Patent No. 5,485,567 to Banning et al. (hereinafter referred to as the Banning reference). Claims 6, 13, 16, and 27-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Rosen reference, in view of U.S. Patent No. 6,613,098 to Sorge et al. (hereinafter referred to as the Sorge reference). Claims 38 and 39 were objected as being dependent upon a rejected base claim.

In overview, by the present amendment, the rejections have been traversed in view of the following remarks. Claims 1, 8, 15, 23, 27, and 33 have been amended. Claims 14 and 36 have been canceled. The Applicant respectfully requests reconsideration and allowance of the subject application. This Amendment is believed to be fully responsive to all issues raised in the Office Action dated April 7, 2004.

**Claim Rejections Under 35 USC §112**

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the limitation recited as a “first-level data item or a subordinate data indicator” was rejected because of having improper alternative limitations. In the present amendment, Claim 1 has been amended to clarify the possible alternative limitations for each field. Claim 1 now recites “each field

1 configured to display a first-level data sub-item or a subordinate data indicator, the  
2 first-level data sub-item being associated with the first-level data item associated  
3 with the at least one field.” Thus, the Applicant respectfully submits that the §112  
4 rejection of Claim 1 has been overcome, and respectfully requests reconsideration  
5 and withdrawal of this rejection.

### 6 7 **Claim Rejections Under 35 USC §102**

8 Claims 1-5, 7, 15, and 17-21 were rejected under 35 U.S.C. §102(e) as  
9 being anticipated by the Rosen reference. In overview, in order for prior art to  
10 anticipate a claim under 35 U.S.C. §102 every element of the claimed invention  
11 must be identically disclosed either expressly or under principles of inherency in a  
12 single reference. Further, the exclusion of a claimed element from a prior art  
13 reference, no matter how insubstantial, is enough to negate anticipation by that  
14 reference. The test of whether anticipation exists in a particular case is a question  
15 of fact, and is applied element-by-element to a single prior art reference. Only if  
16 the prior art literally reads on every element of the rejected claim will the claimed  
17 invention be anticipated under this test.

18 With this in mind, the Applicant analyzes the §102 rejections of the claims in  
19 the present application. First, the Rosen reference is analyzed to determine what it  
20 teaches. The Rosen reference is entitled “Method and Apparatus for Building an  
21 Application Interface” and is directed at a design tool for designing an application  
22 interface. The Rosen reference explains that in the past “the developer must be  
23 aware of relationships that exist between tables in a database to design an  
24 application’s interface.” Further, the Rosen reference explains that this requires the  
25 “application developer [to] become knowledgeable as to the structure of the

1 database.” Col. 3, lines 32-36. The design tool taught in the Rosen reference  
2 “eliminates the need for an interface designer to have independent knowledge of the  
3 structure of the data (i.e., the data fields and relationships between the data).” The  
4 design tool taught in the Rosen reference has the structure of the data presented to the  
5 interface designer in the design tool’s display. Col. 3, lines 47-51.

6 Furthermore, the Rosen reference specifies having an interface designer select  
7 a database table as a primary table and select an interface component for the first  
8 output level. The design tool generates a table hierarchy with the primary table as  
9 the root node. Nodes in the table hierarchy represent database tables and branches  
10 between the nodes represent the relationships between the tables. Col. 4, lines 31-37.  
11 A data palette may be generated based on the primary table that was selected and its  
12 related tables. Col. 12, lines 2-6. The user may then scroll through entries in the  
13 data palette and select fields to be included in an interface component, such as a  
14 form. Col.4, lines 37- 41.

15 In contrast, the present application is directed at a method and a graphical user  
16 interface for displaying hierarchical data using a hypertext markup language  
17 (HTML). The application describes embodiments for parsing the hierarchical data  
18 set to build tables (or some other data structure) for displaying the data in the  
19 hierarchical data set. Page 15, lines 13-15. Thus, in one embodiment, a table  
20 representing the first level of data is created and stored. Page 15, line 17.

21 Independent Claims 1 and 15 recite “the hierarchical data being associated  
22 with a markup language” and “the hierarchical data set being associated with a  
23 markup language”, respectively. The Rosen reference does not teach or suggest this  
24 limitation. Rather, upon a close inspection of the Rosen reference, the Rosen  
25 reference teaches to start with a table. In fact, the Rosen reference teaches to select a

1 primary table from which the output hierarchy is created. Col. 15, lines 43-47 (see  
2 Figure 7, step 702). The output hierarchy is used to display the fields from the table.  
3 Col. 7, lines 15-16. Thus, the Rosen reference does not teach having the hierarchical  
4 data being associated with a markup language as recited in Claim 1. In addition, the  
5 Rosen reference does not teach having the “at least one field associated with each  
6 first-level data item” in the hierarchical data associated with a markup language

7 Each of the dependent Claims 2-5, 7, 17-21, depends from either  
8 independent Claim 1 or Claim 15 and includes other limitations that are not taught  
9 or suggested by the Rosen reference. Therefore, for at least some of the above  
10 reasons, Applicant respectfully submits that the §102 rejections of Claims 1-5, 7,  
11 15, 17-21 is improper, and respectfully requests reconsideration and withdrawal of  
12 this rejection.

### 13 **Claim Rejections Under 35 USC §103**

14 Claims 8-12, 14, and 23-26 were rejected under 35 U.S.C. §103(a) as being  
15 unpatentable over the Rosen reference in view of the Banning reference. Claims  
16 6, 13, 16, and 27-37 were rejected under 35 U.S.C. §103(a) as being unpatentable  
17 over the Rosen reference, in view of the Sorge reference. For at least some of the  
18 reasons that follow, Applicant respectfully disagrees that the subject matter of  
19 claims 8-12, and 23-26 is obvious over the Rosen reference in view of the Banning  
20 reference. In addition, Applicant respectfully disagrees that the subject matter of  
21 claims 6, 13, 16, 27-35, and 37 is obvious over the Rosen reference in view of the  
22 Sorge reference.

23 In overview, as stated in MPEP § 2143, to establish a prima facie case of  
24 obviousness, three basic criteria must be met. First, there must be some  
25 suggestion or motivation, either in the references themselves or in the knowledge

1 generally available to one of ordinary skill in the art, to modify the reference or to  
2 combine reference teachings. Second, there must be a reasonable expectation of  
3 success. Finally, the prior art reference (or references when combined) must teach  
4 or suggest all the claim limitations. The teaching or suggestion to make the  
5 claimed combination and the reasonable expectation of success must both be  
6 found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20  
7 USPQ2d 1438 (Fed. Cir. 1991).

8 Further, as stated in MPEP § 2143.01, obviousness can only be established  
9 by combining or modifying the teachings of the prior art to produce the claimed  
10 invention where there is some teaching, suggestion, or motivation to do so found  
11 either in the references themselves or in the knowledge generally available to one  
12 of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.  
13 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The mere  
14 fact that references can be combined or modified does not render the resultant  
15 combination obvious unless the prior art also suggests the desirability of the  
16 combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

17 Therefore, "all words in a claim must be considered in judging the  
18 patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 165  
19 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35  
20 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837  
21 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

22 With this legal framework in mind, the Applicant traverses each of the  
23 rejections.

24 **Claims 8-12, 14, and 23-26**

1 Claims 8-12, 14, and 23-26 were rejected under 35 U.S.C. §103(a) as being  
2 unpatentable over the Rosen reference in view of the Banning reference. In  
3 overview, the Banning reference is directed at a method, system, and program for  
4 displaying database information via a table containing icons and other summary  
5 information.

6 Without repeating the arguments discussed above, the Applicant maintains  
7 that neither the Rosen reference nor the Banning reference disclose having the  
8 hierarchical data associated with a markup language as recited in the present  
9 claims. In addition, neither the Rosen reference nor the Banning reference  
10 discloses the use of a markup language. Rather, both of these references accept a  
11 table within a database as input and then disclose methods for viewing the  
12 information within the table in a meaningful way to a user. The present  
13 application does not input a database table, but rather takes hierarchical data  
14 associated with a markup language (e.g., XML) and creates a graphical display.

15 As for each of the above Claims, the Applicant agrees with the Examiner  
16 that the Rosen reference does not disclose the recited limitation. However,  
17 Applicant disagrees with the Examiner's contention that the Banning reference  
18 discloses these limitation and that it would have been obvious to one having  
19 ordinary skill in the art at the time the invention was made to include Bannings  
20 teaching with the Rosen reference. As stated above, the table referred to in the  
21 present application displays items identified from in the hierarchical data. Neither  
22 the Rosen nor the Bannings reference discloses creating a table from hierarchical  
23 data. Rather, both references disclose starting with a database table. In addition,  
24 the Applicant contends that neither the Rosen nor the Bannings reference suggests  
25 or motivates one to modify the references or to combine the teachings of these

1 references to obtain each of the elements recited in the above claims. Thus,  
2 Applicant contends that the Rosen reference, whether considered alone or with any  
3 permissible combination with the prior art of record, including the Bannings  
4 reference, does not teach or suggest each limitation recited in Claim 8-12, and 23-  
5 26.

6 Therefore, for at least some of the above reasons, Applicant respectfully  
7 submits that the §103 rejections of Claims 8-12, and 23-26 is improper, and  
8 respectfully requests reconsideration and withdrawal of this rejection.

9 **Claims 6, 13, 16, and 27-37**

10 Claims 6, 13, 16, and 27-37 were rejected under 35 U.S.C. §103(a) as being  
11 unpatentable over the Rosen reference, in view of the Sorge reference. The  
12 Applicant respectfully disagrees.

13 In overview, the Sorge reference is directed at a method for saving data  
14 having a format and functionality specific to a parent spreadsheet program into a  
15 hypertext markup language (HTML) format. Col. 3, lines 20-24. Thus, the input  
16 disclosed in the Sorge reference is a spreadsheet program document and the output  
17 is a HTML document.

18 Without repeating the arguments discussed above, the Applicant again  
19 maintains that neither the Rosen reference nor the Sorge reference disclose having  
20 the input being hierarchical data that is associated with a markup language as  
21 recited in the present claims. While the Sorge reference discusses markup  
22 languages, it discloses converting a spreadsheet document format into an HTML  
23 document. The present application does not input a spreadsheet program  
24 formatted data, but rather takes hierarchical data associated with a markup  
25 language (e.g., XML) and creates a graphical display.

1 As for each of the above Claims, the Applicant agrees with the Examiner  
2 that the Rosen reference does not disclose the recited limitation. However,  
3 Applicant disagrees with the Examiner's contention that the Sorge reference  
4 discloses these limitation and that it would have been obvious to one having  
5 ordinary skill in the art at the time the invention was made to include Sorge  
6 teaching with the Rosen reference. As stated above, the table referred to in the  
7 present application displays items in the hierarchical data. Neither the Rosen nor  
8 Sorge reference discloses this type of table. In addition, the Applicant contends  
9 that neither the Rosen nor the Sorge reference suggests or motivates one to modify  
10 the references or to combine the teachings of these references to obtain each of the  
11 elements recited in the above claims. Thus, Applicant contends that the Rosen  
12 reference, whether considered alone or with any permissible combination with the  
13 prior art of record, including the Sorge reference, does not teach or suggest each  
14 limitation recited in Claim 6, 13, 16, 27-35, and 37.

15 Therefore, for at least some of the above reasons, Applicant respectfully  
16 submits that the §103 rejections of Claims 6, 13, 16, 27-35, and 37 is improper,  
17 and respectfully requests reconsideration and withdrawal of this rejection.

## 18 **Conclusion**

19 Applicant has considered the other references cited by the Examiner in the  
20 Office Action. None of these references appear to affect the patentability of  
21 Applicant's claims. By the foregoing remarks, Applicant believes that pending  
22 claims 1-13, 15-35, 37-39 are allowable and the application is in condition for  
23 allowance. Therefore, a Notice of Allowance is respectfully requested. Should  
24 the Examiner have any further issues regarding this application, the Examiner is  
25



1 requested to contact the undersigned attorney for the Applicant at the telephone  
2 number provided below.

3 Respectfully Submitted,

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5 Dated: 6/30/2004

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